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IN THE UNITED STATES DISTRICT COURT
FOR THE Western DISTRICT OF TENNESSEE
Eastern DIVISION

Jack Morton Morton #139579,)
_____,)
_____,)
_____,)
Plaintiff(s),)

Vs.)

State of Tennessee Department of Corrections,)
Board of Probation and Parole,)
Marcus Miller (Field Officer),)
Beverly Kerr (Supervisor),)
Respondents.

Blount County Circuit Court Case
C- 16401

Docket/Complaint No. _____

JURY TRIAL DEMANDED

**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
UNDER 42 U.S.C. §1983**

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No (X)
- B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit on another piece of paper, using the same outline.)

Plaintiff(s)

NA-NO

Defendant(s) NA-NO

2. Court [if federal court, name the district; if state court, name the county]
NA
3. Docket number: NA
4. Name of judge to whom case was assigned: NA
5. Disposition [for example: was the case dismissed? Was it appealed? Is it still pending?]
NA
6. Approximate date of filing lawsuit: NA
7. Approximate date of disposition: NA

II. PLACE OF PRESENT CONFINEMENT:

**Whiteville Correctional Facility
1440 Union Springs Road
PO Box 679
Whiteville, TN 38075**

- A. Is there a prisoner grievance procedure in this institution? Yes (X) No ()
- B. Did you present the facts relating to your Complaint in the state prisoner grievance procedure? Yes (X) No ()
- C. If your answer is yes,

1. What steps did you take? proper grievance procedure for the grievance per T.D.C.C. policy filled out grievance form and took it to Commissioner, last chain of Command.
2. What was the result? The Commissioner agreed I was violated for non-compliance of attending Miracle Lake Christian Training Program, not to have anymore drug screens positive, obtain a sponsor, and bring Court Fees to current status. He stated, that I failed to comply. The only part I failed to comply was not attending Miracle Lake Christian Training Center.

D. If your answer is "no" explain why not: NA

E. If there is no prisoner grievance procedure in the institution, did you complain to prison authorities? Yes (X) No ()

F. If your answer is yes,

1. What steps did you take? talked to various people, Counselor, I.P.O.
(Institutional Parole Officer)
2. What was the result? They told me it was a "field" issue, not the
Tennessee Department of Corrections

III. PARTIES:

[In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional Plaintiffs, if any.]

A. Name of Plaintiff(s): Jack Morton Morton # 139579

Address: 1440 Union Springs Road, P.O. Box 679,
Whiterille, Tennessee 38075

[In item B below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item C for the names, positions and places of employment of any additional Defendants.]

B. Name of Defendant: Beverly Kerr, is employed
as Supervisor for Marcus Miller at Blount County Board of Probation and Parole
(Field Office)
Name(s) of additional Defendants: Marcus Miller at Board of Probation and Parole
(Field Office) with the Tennessee Department of Corrections.

IV. STATEMENT OF CLAIM:

My name is Jack Morton. I am currently serving time for a technical violation of probation, at the Whiteville Correctional Facility. In February – March of 2012, I had a positive drug screen and missed appointments for my probation. My probation officer decided to have a A.C.R.C. (Administrative Case Review Committee) meeting. ON 2-15-12 I, Jack Morton, AND field officer (Probation) Marcus Miller, Attended a scheduled A.C.R.C. meeting.

An A.C.R.C. Meeting is a board of people from the Tennessee Board of Probation and Parole that review the case in question and decide if a warrant is required for violation of probation. That day there were four (4) members present, along with the probation officer and myself.

The probation officer presented his complaint (my positive drug screen, along with the missed appointments) to the committee and I pleaded for myself. After hearing the facts from both myself and the probation officer, the committee asked myself and the probation officer to step outside in the hallway while they discuss it, vote, and decide what to do. The probation officer and myself went outside to the hallway, and after a short time, we were asked to come back inside to hear their decision. The Committee's decision was: that a violation warrant was not required if I went back to a place called Miracle Lake (A Christian Training Center for Men). I had recently completed the Miracle Lake Program and did exceptionally well while I was in the Miracle Lake Program.

I tried to go back to the Miracle Lake Program and, at that time, they would not accept me back. I had recently finished the Miracle Lake Program and it was decided that I would not be coming back to the Miracle Lake Program at that time. I had a drug rehabilitation program called Centerpointe Adult Services (Helen Ross McNabb) that was/is willing to accept me into their program. Centerpointe is a drug rehabilitation center for men that is not a religious in nature program.

I asked my probation officer if I could go to the Centerpoint Adult Services Program (Helen Ross McNabb) because the Miracle Lake Christian Training Center would not take me back into their program. My probation officer told me that I could not go to Centerpointe and that if I did not go back to Miracle Lake like the A.C.R.C. Committee said to do, that his supervisor said to do a violation. I could not go back to the program because they would not accept me and I got a technical violation of probation and my probation got revoked. Because the Probation Officer told me that I had to go to Miracle Lake only (which is a Christian Training Center) and would not allow secular program, he is in violation of the 1st Amendment.
I feel like I should have been allowed to go to another program, that is not religious in nature, when other options were available. The probation officer has clearly violated the Establishment Clause here.

V. RELIEF

[State briefly EXACTLY what you want the Court to do for you.] Make no legal arguments.

Cite no statutes.]

(1)

Grant the Plaintiff Jack Morton Morton, a Denova hearing for the A.C.R.C. meeting.
(2) Award \$500⁰⁰ per day from
the Plaintiff ~~for the period of~~ January 28, 2013 until the time of another
hearing, for compensatory damages and punitive damages, for the plaintiff's First Amendment
Right being violated and for the defendant(s) violation of the Establishment Clause.

Plaintiff is seeking \$500⁰⁰ per day for compensatory and punitive damages - \$250⁰⁰ per day
for each. Plaintiff seeks compensatory damages for the loss of privileges and qualities of life taken
away from plaintiff because of incarceration [due to the defendant's violation of the Establishment
Clause and the ~~defendant's~~ plaintiff's First Amendment Right being violated] in that the Plaintiff
is confined to a roughly 60 square foot cell and deprived of most of his personal property,
as well as the ability to work and support his family and pay obligating factors to society, the
loss of freedom & quality time deprived from the plaintiff in which to build a bond with grand children
and family.

Plaintiff does NOT seek compensatory damages for mental or emotional distress.

Plaintiff seeks punitive damages against the defendant(s) Marcus Miller

and Beverly Keen (Supervisor for Marcus Miller) with the Tennessee Department of Corrections
Board of Probation and Parole for their ~~willful~~ willful and malicious conduct in confining the
Plaintiff to prison for non-compliance of plaintiff attending a Christian Training Center (Miracle Lake)
for a probation violation sanction, without offering alternative treatment options, when they were available.

Signed on this _____ day of _____, 20____.

Plaintiff

I declare under penalty of perjury that the foregoing is true and exact, to the best of my knowledge, information and belief.

Date

Plaintiff

Address Change: Jack Morton # 139579

New Address: Jack Morton # 139579
Charles Bass Correctional Complex 13-20A
7177 Cockrill Bend Blvd
Nashville, Tennessee 37209
CERTIFICATE OF SERVICE

I, ~~THE~~ undersigned, hereby certify that I have furnished a true and exact copy of the foregoing by hand delivering the same, or by placing the same in the United States Mail, sufficient postage prepaid, addressed as follows:

District Attorney General's Office
942 E. Lamar Alexander Parkway
Maryville, Tennessee 37804-5002

This the 5th day of November, 2013

Clerk of the Blount County Circuit Court
926 East Lamar Alexander Parkway
Maryville, Tennessee

Jack M. Morton
Jack M. Morton
Defendant Pro Se

37804-6201

Beverly Kerr (Supervisor)
Marcus Miller (Field Officer)

304 Home Avenue
~~Marcus Miller~~

State of Tennessee Board of Probation and Parole
Maryville, Tennessee 37801-3971

Office of the Clerk
United States District Court
262 U.S. Courthouse
111 Highland Avenue, South
Jackson, Tennessee 38301